

EXHIBIT 4

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1 Q Okay. So, in this ACDV there's nothing in
2 the response data column, right?

3 A Correct.

4 Q Is that to mean that -- well, tell me why
5 -- tell me what it means if this ACDV gets returned to
6 TransUnion and there's nothing in the response data
7 column here.

8 A If there's nothing in the response data,
9 that would indicate that we did not review that
10 information to signify whether it's matching or
11 different.

12 Q And why wouldn't you review that
13 information in this -- with respect to this dispute?

14 A For this dispute, the customer's claim was
15 for fraud and identity theft. So, we would review the
16 fields that would most likely relate to that.

17 Q And what fields are those?

18 A That would be their -- basically their
19 personal demographic information of their name,
20 address, Social Security information, date of birth.

21 Q Okay. Mr. Mallicoat, before this lawsuit,
22 had you heard the term identity theft before?

23 A Yes.

24 Q Tell me what -- well, let me ask you this.
25 Do you understand one aspect of identity theft to be a

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1 it because it's a capture system. It captures screen
2 captures.

3 Q Okay. The idea behind this fraud
4 investigation request is that whoever commenced it
5 wants the fraud department to take a closer look at
6 this claim of identity theft, right?

7 A Yes. They want to have them review the
8 images attached.

9 Q Okay. Do you know what else the fraud
10 department does?

11 A I do not know their full job scope.

12 Q Okay. Have you ever worked in the fraud
13 department?

14 A No, I have not.

15 Q Okay. So, you don't know whether the
16 fraud department calls the police, for example?

17 A No, I do not.

18 Q Or the Federal Trade Commission?

19 A No, I do not.

20 Q Okay. Do you know any of the steps that
21 they take to further investigate these types of
22 disputes?

23 A I do not know their steps.

24 Q Okay. Do you know if they have a
25 particular turnaround time that they try to adhere to

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1 A They would be required to look in our
2 system to see if a fraud investigation has been
3 completed and reviewed. And if that had been
4 completed and reviewed and there was no new
5 information supplied, they would not be required to
6 forward any -- anything further along.

7 Q Okay. So, Ms. Epps and Ms. Bynum, they're
8 not trained to separately go and look for a police
9 report anywhere in Toyota's files, right?

10 A They would only look for information
11 contained in this response and then associate if
12 there's has been a fraud investigation completed by
13 our fraud department before.

14 Q Okay. Where is that information kept? Is
15 that in the CEP?

16 A The notes from our fraud department would
17 be in our CEP program, yes.

18 Q Okay. I want to go back. I think I had
19 another question or two about Exhibit 7. So, I do.
20 So, let's go back to Exhibit 7 for a moment. And I
21 want to ask you about the customer name on here is a
22 name we haven't come across yet but that is all over
23 all of these papers because this is the person that
24 was the primary borrower on this account, right?

25 A Yes.

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1 Q I'm not going to try the last name, but
2 the first name is Sanat, S-A-N-A-T.

3 A Yes.

4 MR. MARCHIANDO: And, Monica, on a break
5 I'll give you last name because it's lots.

6

7 BY MR. MARCHIANDO:

8 Q Do you know why that name would appear
9 here rather than Ms. Potapova's name?

10 A That would appear in the system based on a
11 system limit as they are the primary customer on this
12 account. And when we send this request 3276, our
13 system will automatically populate the primary
14 customer on that form.

15 Q Okay. But this -- is there any doubt in
16 your mind that this was triggered by the three ACDV --
17 one of the three ACDVs that we just looked at that
18 were submitted by -- through e-OSCAR and then
19 originated with Ms. Potapova?

20 A I would say that this would most likely
21 have been triggered by that.

22 Q Okay.

23 A Of the images --

24 Q Okay.

25 A Yeah. And the images that -- noted on

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1 there would have indicated that as well.

2 Q Okay. How do we learn that fact? Is
3 there some computer notation somewhere? Is there
4 anything on this document that tells us that?

5 A This document would basically, it would
6 have the customer account number on there and the VIN
7 number so the fraud department can review the account
8 and they will see the note placed by the associate
9 that did the ACDV to indicate who the fraud -- who
10 that fraud 103 request came through. And then, they
11 would also see the images that would have been sent to
12 the document management system for that to be reviewed
13 as well.

14 Q Okay. And so, this one, there's a box at
15 the bottom. Well, first of all, it says -- there's a
16 header that says Type of Suspected Fraud. Do you see
17 that?

18 A Yes.

19 Q Identity theft is checked in there, right?

20 A Yes.

21 Q You don't have that -- there is an X. I
22 shouldn't say a check. Do you know how that X gets
23 placed in that box?

24 A The credit dispute team member that sent
25 this request would have clicked that box.

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1 questions.

2

3

EXAMINATION

4

5 BY MS. STOKES:

6

Q Hi, Mr. Mallicoat. How are you doing?

7

I'll get formal since I'm asking questions. I've been

8

calling you Luke the entire time. But it's fine. You

9

know what I mean.

10

I don't have a lot of questions for you.

11

Just a couple of questions. You stated earlier that

12

you reviewed this file in preparation for the

13

deposition, correct?

14

A Yeah.

15

Q Or at least some of the notes in the file?

16

A Yes.

17

Q Do you know when the fraud department

18

initiated their investigation of Ms. Potapova's claim?

19

A There would have been initial

20

investigation. Based off of the first 3276 we would

21

have sent it back in, I believe, 2020.

22

Q Okay.

23

A They would have started investigation

24

then.

25

Q Okay. So, you -- you believe -- do you

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1 know if the first thirty-two -- was it 3277 you
2 said -- is that the --

3 A 76.

4 Q 76, is what promoted the initial
5 investigation?

6 A I believe that would be.

7 Q Okay. In terms of -- actually -- do you
8 know if there were any ACDVs received on this account
9 prior to 2022?

10 A I believe there would have been ACDVs
11 received on there.

12 Q Okay. And do you know how many?

13 A No, I don't know offhand.

14 Q Okay. Your dispute associates, when
15 they're reviewing the ACDV reports, would they have
16 the ability to see if a fraud investigation was
17 already opened on file?

18 A Yes. They would be able to see notes and
19 see that the fraud was investigating.

20 Q Okay. Would they be able to see if a
21 fraud investigation had been completed on the file?

22 A Yes.

23 Q Would they be able to see the fraud notes?

24 A I don't know if they would see everything
25 fraud has notated. I don't know all their

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1 documentation systems, but if they notated in CEP,
2 they -- our associates would be able to see those as
3 well.

4 Q Okay. Would they be able to see the
5 conclusions that the fraud team came to?

6 A Yes.

7 Q Okay. So, if a fraud investigation had
8 already been opened and they get an ACDV report, will
9 they still send out that -- okay, the 3088 letter? Is
10 that the number for that letter?

11 A Yes.

12 Q Okay. Would they still send out that 3088
13 letter requesting additional information?

14 A Yes.

15 Q Okay. So, why would they send out the
16 3088 letter requesting additional information if they
17 could see that there was already a fraud investigation
18 on file?

19 A We would send that out, my understanding
20 would be because it's going to give the customer more
21 detail chance to send us more information if they have
22 anything that they've yet to send us. We'll continue
23 to send those out on every individual response we
24 receive for compliance to also show that we're
25 responding to the customer's request.

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1 Q So, whether or not a fraud investigation
2 was already on file, the letter would still go out,
3 correct?

4 A Correct.

5 Q And it would go out so that you're
6 responding to each ACDV that's received?

7 A Correct.

8 Q Okay. And your department only
9 investigates or reviews ACDV reports, correct?

10 A Correct.

11 Q You do not actively investigate frauds?

12 A Correct.

13 Q Are your -- the associates in your
14 department trained to investigate frauds?

15 A No.

16 Q Okay. Are they trained to review police
17 reports and determine their accuracy?

18 A No.

19 Q Are they trained to review affidavits and
20 determine -- and make any determinations as to any
21 affidavits attached to an ACDV report?

22 A No.

23 Q Okay. Other than -- so, we saw Exhibit 3.
24 Is it three? Sorry. Let me get the right exhibit.
25 Sorry. It's Exhibit 2. The Consumer Credit Disputes

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1 and Credit Information Requests. So, other than this
2 exhibit, this policy, are there other policies and
3 procedures that your team follows regarding credit
4 disputes?

5 A We would follow the KMS policies that are
6 put in place.

7 Q And that's what you had mentioned earlier,
8 correct?

9 A Correct.

10 Q Okay. Do you know if there is a separate
11 policy that addresses identity theft disputes,
12 specifically?

13 A As far as identifying if it's identity
14 theft itself, we don't do that so we wouldn't have
15 that policy. That would be the Fraud Department's
16 policy. They would, I would assume, have that. We
17 would just have the KMS articles that guide us on how
18 to follow the ACDV response to send that request to
19 fraud to be reviewed.

20 Q Okay. And so, if there was an identity
21 theft policy regarding how to investigate them, your
22 team would not have been trained on that, correct?

23 A Correct.

24 Q Okay.

25 MS. STOKES: No further questions.